

MESSAGE NO: 4070205 MESSAGE DATE: 03/10/2004

MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐  
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE  
MESSAGE #  
(s):

CASE #(s): A-570-831

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 11/01/2001 TO 10/31/2002

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION INSTRUCTIONS FOR FRESH GARLIC FROM CHINA (A-570-831-000, A-570-831-001, A-570-831-009)

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PERIOD COVERED: 11 01 2001 TO 10 31 2002

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR FRESH GARLIC FROM CHINA  
(A-570-831-000, A-570-831-001, A-570-831-009)

1. THE DEPARTMENT OF COMMERCE RECEIVED REQUESTS FOR AN ADMINISTRATIVE REVIEW OF THE ANTIDUMPING DUTY ORDER ON FRESH GARLIC FROM THE PEOPLE'S REPUBLIC OF CHINA (PRC) FOR THE PERIOD 11/01/01 THROUGH 10/31/02. SUBSEQUENTLY, ON AUGUST 6, 2003, COMMERCE PUBLISHED IN THE FEDERAL REGISTER A NOTICE OF PARTIAL RESCISSION OF THE ANTIDUMPING DUTY ADMINISTRATIVE REVIEW WITH RESPECT TO CERTAIN COMPANIES (68 FR 46580).

2. FOR ALL SHIPMENTS OF FRESH GARLIC FROM THE PEOPLE'S REPUBLIC

OF CHINA, PRODUCED OR EXPORTED BY THE COMPANIES LISTED BELOW,  
ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION DURING THE  
  
PERIOD 11/01/2001 THROUGH 10/31/2002, ASSESS AN ANTIDUMPING  
LIABILITY FOR THE MERCHANDISE AT THE CASE DEPOSIT RATE OR BONDING  
RATE REQUIRED AT THE TIME OF ENTRY. ENTRIES MAY HAVE BEEN MADE  
UNDER A-570-831-000 OR UNDER COMPANY-SPECIFIC CASE NUMBERS.

COMPANY	CASE NUMBER
MAI XUAN FRUITEX CO., LTD.	A-570-831-000
GOLDEN LIGHT TRADING COMPANY, LTD.	A-570-831-000
GOOD FATE INTERNATIONAL	A-570-831-000
CLIPPER MANUFACTURING LTD.	A-570-831-001
PHIL-SINO INTERNATIONAL TRADING INC.	A-570-831-009

3. THESE INSTRUCTIONS CONSTITUTE THE IMMEDIATE LIFTING OF  
SUSPENSION OF LIQUIDATION OF ENTRY SUMMARIES FOR THE MERCHANDISE  
AND PERIOD LISTED ABOVE. FOR ALL OTHER SHIPMENTS OF FRESH GARLIC  
FROM THE PRC, YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO  
COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE  
MERCHANDISE AT THE CURRENT RATES.

4. THE ASSESSMENT OF ANTIDUMPING DUTIES BY U.S. CUSTOMS AND  
BORDER PROTECTION (CBP) ON ENTRIES OF THIS MERCHANDISE IS SUBJECT  
TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930, AS  
AMENDED (THE ACT). SECTION 778 OF THE ACT REQUIRES THAT CBP PAY  
INTEREST ON OVERPAYMENTS AND ASSESS INTEREST ON UNDERPAYMENTS OF

THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES.  
THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS  
POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF  
PUBLICATION OF THE ANTIDUMPING DUTY ORDER, WHICH IS NOVEMBER 16,  
1994. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF  
ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF  
LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE  
RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF

1954 FOR SUCH PERIOD.

5. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF THE COMMERCE DEPARTMENT REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO

THE LIQUIDATION OF THE ENTRY. IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE EXPORTER TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT RESPOND TO YOUR FORMAL REQUEST (VIA CF 28 OR 29) FOR THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 (GENERATED BY G103:BJE).

7. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party